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Crime Commission Update



September 2009

Nebraska Commission on Law Enforcement and Criminal Justice
Dave Heineman, Governor
Michael Behm, Executive Director

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Crime Commission Update

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<http://www.ncc.ne.gov>

Dave Heineman, Governor

DIRECTOR'S COMMENTS

On August 12, 2009, Governor Heineman appointed former State Senator Mike Friend as Director of the Office of Violence Prevention. The office was created as part of a new anti-crime package enacted this year by the passage of LB 63 and will be a division within the Crime Commission. The Crime Commission is excited about having a newly formed division and looks forward to working with Mike. Mike can be reached by email at: mike.friend@nebraska.gov.

~ Michael E. Behm, Executive Director

2009 LEGISLATIVE SESSION

The following legislative bills passed during the 2009 legislative session and have an effect on Nebraska's criminal justice system.

LB 35: An omnibus bill that addresses several criminal justice issues. Section 31 of the bill increases the Law Enforcement Improvement Fund (LEIF) fee from \$1 per court case to \$2 per case. The revenue from the LEIF fee partially funds the Law Enforcement Training Center. This \$1 increase represents an additional \$290,000 in annual revenue. **Effective Date is May 29, 2009.**

LB 63: Increases criminal penalties for such crimes as (1) possession of a handgun by a juvenile, (2) illegal transfer of a firearm to a juvenile, possession of a firearm on school grounds, (3) first and second degree assault, (4) shooting at an occupied dwelling, (5) first and second degree assault on an officer, (6) felon in possession of a deadly weapon and (7) use of a deadly weapon to commit a felony.

LB 63 also creates the Office of Violence Prevention, within the Crime Commission. The Office is responsible for developing, fostering, promoting and assessing violence prevention programs for implementation in Nebraska. The Director of the Office of Violence

Prevention and an Advisory Council are appointed by the Governor. **Effective Date is May 27, 2009.**

LB 598: Allows for the creation of a nonprofit organization, to be known as the Community Trust. The Crime Victim's Reparations (CVR) Committee shall oversee the Community Trust. The Community Trust shall accept contributions from the public and make distributions to help those who have suffered from a tragedy of violence or a natural disaster. Two members are added to the CVR Committee. One shall represent a charitable organization and the other shall represent business. The Governor appoints these two new members. **Effective Date is August 30, 2009.**

LB 671: Requires annual death investigation training for county attorneys or deputy county attorneys who act as coroners. Additional duties are assigned to the County Attorney Standards Advisory Council regarding death investigations and four new members are added to the council, increasing the membership from 7 to 11. **Effective Date is August 30, 2009.**

Note: The Unicameral website address is www.nebraskalegislature.gov and information on all bills introduced in 2009 can be found on that website.



AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) UPDATE

Funding:

The Nebraska Crime Commission received American Recovery Act (ARRA) funding in four different programs: Violence Against Women Act (VAWA), Victims of Crime Act (VOCA), Byrne Justice Assistance Grants (JAG) and Crime Victims Reparations (CVR). The first three programs (VAWA, VOCA, JAG) have announced the availability of funding, accepted applications and those applications are currently undergoing the peer review process. The funding recommendations for these three programs will be presented at the Crime Commission meeting on November 20, 2009 with an anticipated project start date of January 1, 2010. The Crime Commission grant staff are currently in the process of working with federal agencies and the Governor's office to ensure we have a clear understanding of all necessary reporting requirements in order to provide funded programs with clear guidance of what will be required of them. The CVR program has already begun to award funds and it is anticipated that that fund will be expended by the end of the year.

VOCA ARRA Funds:

The Crime Commission's VOCA ARRA grant is \$618,000. In compliance with Federal VOCA ARRA rules and regulations, these funds will be used to respond to the emotional and physical needs of crime victims; assist primary and secondary victims of crime stabilize their lives after victimization; assist victims to understand and participate in the criminal justice system; provide victims of crime with a measure of safety and security. In alliance with ARRA, this funding will provide direct services to crime victims in support of the Recovery Act objectives to preserve jobs and promote economic recovery.

As with other ARRA funding, this will be one time funding. Reporting requirements will be different as well under the ARRA program. Quarterly financial and programmatic reporting will be required and will be due within a few calendar days after the end of each quarter.

VOCA ARRA grant applications were due to the Crime Commission on July 7th. Final decisions regarding VOCA ARRA applications will be made on November 20th, at the Crime Commission Board meeting. For further information please contact Lisa

Stamm at (402) 471-3416.

Websites:

For information on the Crime Commission's ARRA funds, check our website at www.ncc.ne.gov.

For information on all ARRA funds received by Nebraska, check the State's website at www.recovery.nebraska.gov.

CRIME COMMISSION RELEASES "TRAFFIC STOPS IN NEBRASKA" REPORT

In 2001 the Legislature passed and the Governor signed LB593 to respond to possible issues relating to the way traffic stops are made. The act specifically prohibited racial profiling and required law enforcement to implement policies prohibiting discriminatory practices as well as requiring the collection of data that could be used to assess the prevalence of racial profiling relative to motor vehicle stops.

The Crime Commission released in April **Traffic Stops in Nebraska** as the most recent summary of data including 502,127 stops reported for 2008, pursuant to the bill and subsequent amendments. In addition to statewide statistics there are views of various stages of the processing of traffic stops.

Detailed data for each agency has been posted to our website along with the report. (http://www.ncc.state.ne.us/documents/stats_report_and_research.htm).

Agencies should examine their own data and use it to look at activity within their jurisdiction.

The data included in the report reflects reports submitted for calendar years 2002 through 2008. Data reported describes the race of the driver, the reason for the stop, the primary disposition or outcome of the stop, and whether or not searches were conducted.

- There were 502,127 traffic stops reported to the Crime Commission for 2008.
- Of the total traffic stops reported, almost two thirds were by the Nebraska State Patrol (NSP) or agencies in Douglas, Lancaster and Sarpy Counties. Almost one half of the stops made statewide were by the Patrol.

- Data was submitted by 193 agencies in 2008. Not all agencies submitted data for all 4 quarters of each year.
 - The breakdown of types of stops and related data by race has stayed relatively consistent throughout the reporting years, with certain variations showing primarily in searches and the dispositions of stops.
 - The statewide breakdown of traffic stops by race closely parallels the census population breakdown. In and of itself this does not mean that there is no racial profiling. It can be said that on the statewide aggregate there are not apparent disproportionalities.
 - However, this does not mean that there are not disparities. In particular, there are variances that show up when looking at local populations or jurisdictions, taken from estimates by the US Census Bureau. Since minority populations vary greatly across Nebraska it significantly affects the contact law enforcement would have with them. Also, populations change over time and traffic stop proportions have changed somewhat when looking at individual agencies.
- ⇒ NSP stops Asian, Black and Hispanic drivers statewide at proportions lower than reflected in the census.
- ⇒ Douglas County has a Black population of almost 12% compared to the statewide population of 4.4%. Douglas County agencies stop Black drivers at about one and a half times their proportion of the local population (20.9% of stops).
- ⇒ Lancaster County agencies stop Black drivers at over twice their proportion of the local population.
- ⇒ Hispanics comprise 31% of the population in Dawson County, about four times the occurrence in the general population. About 43% of stops by Dawson County agencies are of Hispanic drivers.
- ⇒ Dakota County has a smaller White population (62%) than these other selected counties. Hispanics are about 30% of the population but 26.3% of the stops. Blacks and Native Americans were stopped at about twice their proportion of the population (3.9%/1.8% and 6.7%/2.5% respectively).
- It must be noted that any observed disparities are just that: disparities. In and of themselves they do not prove bias or instances of racial profiling. However, they can and should point to areas that agencies can look at more closely. The detailed data that may be available within the agency can better describe circumstances related to the stops.
 - In looking at the other criminal justice subpopulations (such as corrections admissions, warrants and protection orders) there are much higher occurrences of Black and Hispanic populations than in the census or traffic stop breakdowns. This may relate to the arrest statistics for stops.
 - In 2008, although 1.2% of all stops involved a criminal code violation, 4.5% of all stops involving Native Americans were for criminal violations as were 2.6% of stops of Hispanics. The reason for the stop may affect subsequent decisions and actions in the processing of the traffic stop.
 - In 2008, 3.6% of traffic stops resulted in custodial arrest, down from recent years. However, 13.5% of Blacks and 7.4% of Hispanics and 6.9% of Native Americans stopped were arrested.
- ⇒ A custodial arrest is not done for only a traffic violation. Therefore, the stop could involve things such as a DUI arrest, a lack of identification, an outstanding warrant (discovered in a general license check).
- Asians and Whites were least likely to be arrested (2.8% and 2.6%) and most commonly received a warning or had no action (51.5% and 54.3%).
 - In 2008, in 4.5% of traffic stops a search was performed. Hispanics were searched 8.9% of the time, Blacks 6.2% and Native Americans 6.6% of traffic stops.
 - There have been some changes in the frequencies of searches since reporting began in 2002. Overall, Hispanics and Native Americans have been about twice as likely to be searched than the general population.
 - For 2008 the Crime Commission received 22 reports from three agencies of the public making allegations of racial profiling. All the agencies involved conducted internal investigations and

contacted the drivers involved. Nineteen times the officer was exonerated but three instances had an unknown outcome.

If you have any questions, please contact Michael Behm or Michael Overton at 402-471-2194.

CRIMINAL JUSTICE VIDEO LIBRARY

The following videos have been added to the library and are available for loan:

LARGE ANIMAL CRASH RESPONSE (DVD)

28 Minutes Color In The Line of Duty: 2009 AD

This program documents an incident in St. Louis where a cattle truck overturned on a highway. The police had to deal with a blocked highway, dead cattle, and cattle roaming loose on the highway. The lessons learned were: (1) assess the situation and set up a command post, (2) personal safety is most important, (3) make sure each person knows his or her responsibility, (4) know how to access agencies that can help in these situations, and (5) deal professionally with the media.

HAZARDOUS MATERIALS/WHAT EVERY COP NEEDS TO KNOW (DVD)

29 Minutes Color In The Line of Duty: 2009 AD

The first responders to hazardous materials incidents are often police officers. The chances of getting contaminated depend on distance from the scene and wind direction. Every officer needs to know some basic facts, such as: (1) Stop and identify hazards before responding. Be a responding officer, not a victim in need of help. (2) Be aware of contaminating other people. Respond to the scene from uphill, upwind, or upstream. Keep a safe distance away from the scene. (3) Call the correct agencies to help. This is an excellent program for basic information on hazardous material scenes.

CRIME AND DEATH SCENE RESPONSE (DVD)

32 Minutes Color In The Line of Duty: 2009 AD

When police are called upon to handle a crime scene where a death has occurred, the first priority is a safe and secure scene. This video provides tips on how to secure the scene, such as: secure the perimeter, use rubber gloves to prevent contamination, be specific when you ask for assistance, secure the witnesses, document the scene starting from the outside and moving in, identify who is responsible for gathering evidence, maintain the chain of evidence custody, and

be careful of cross contamination.

The program also discusses what changes occur after a person dies. Photos from actual crime scenes are shown. The changes discussed include (1) algor mortis and rigor mortis, (2) cadaveric spasm, (3) lividity, (4) decomposition, (5) blunt force trauma, (6) incised wounds and gunshot wounds, (7) asphyxiation, (8) drowning, (9) burns, and (10) deaths of children.

SAFE PURSUIT / RESPONSE DRIVING, PART ONE (DVD)

26 Minutes Color In The Line of Duty: 2009 AD

When police engage in high speed pursuits, the entire community is at risk. This program includes excerpts from a presentation by Travis Yates from the Tulsa, Oklahoma police department. He covers these points in his presentation: (1) Speed management and space management are critical. (2) Look ahead 7 to 10 seconds and slow down at intersections. (3) Inspect your vehicle each time you refuel to ensure it is safe to drive. (4) Items inside the car should be safe and secure. (5) Most police only get driver's training once, during basic training. (6) Fatigue and multi-tasking drastically increase your chances of an accident during a pursuit. (7) Agency policies on pursuits should be clear and defensible. (8) The vast majority of police related crashes are caused by poor decisions. One out of three police pursuits end in collisions. This video, as well as part two, contain important information that improve the decision making skills of police.

SAFE PURSUIT / RESPONSE DRIVING, PART TWO (DVD)

37 Minutes Color In The Line of Duty: 2009 AD

This program continues the pursuit driving presentation by Travis Yates from the Tulsa, Oklahoma police department. He makes these points: (1) 49% of the officers killed in the line of duty are due to auto accidents. (2) Classroom training on pursuits is very important. It can contribute to good driving decisions. (3) Training plus good decisions plus good agency policies on pursuits will equal fewer accidents. (4) All that is needed for good driver skills training are cones and a vacant parking lot. Every officer should have this type of training once a year.

The second half of this video demonstrates driving skills that every officer should learn including shuffle steering, backing up, turn-around maneuvers, controlled braking, lateral displacement, evasive maneuvers, cornering, and pivot points.

COURTROOM SURVIVAL TACTICS, PART ONE (DVD)

13 Minutes Color Street Cop: 2007 AD

At some point in any police officer's career, he or she will testify in a courtroom setting. This video covers some of the methods used by both defense and prosecuting attorneys during questioning. The mistakes made by officers are easy to correct and will improve their performance in court. The advice in this video includes (1) Be yourself on the stand. (2) For veteran cops, remember to be neutral. (3) Don't get into a game of trying to outsmart the defense attorney. (4) Your credibility will be attacked. (5) Write good police reports, and your testimony will be less likely to be attacked. (6) Admit if you made mistakes or you can't remember.

CONDUCTING INTERVIEWS, PART ONE (DVD)

15 Minutes Color Street Cop: 2007 AD

The most common tool a police officer uses to gather information on the street is the interview process. Accurate information gathered in this way plays a vital role in steering an investigation in the right direction. This is a good video for basic training or refresher training. The advice in this program includes (1) Watch for physical signs of nervousness. (2) Tips on how to phrase a question and how to ask indirect questions are included. (3) When you ask a question, you can present false information as a lure to gaining accurate information. (4) Avoid compound questions. (5) Do not use memory qualifiers within a question. (6) Avoid using negative questions. (7) If you have more than one witness, always separate them before you begin the interview process.

SCAMMED: ONLINE IDENTITY THEFT (DVD)

26 Minutes Color Films For The Humanities: 2005 AD

Phishing is defined as the illegal gathering of others' personal information from the internet in order to steal money and identities. This video examines the rapid increase in phishing and the damage it can do to innocent victims. Two victims of identity theft are interviewed. They both lost money from their accounts because of information gained through phishing. The program shows how cybercriminals use phony web sites to trick people into willingly giving up their most sensitive financial and personal information. This is an excellent video for police officers or general audiences.

THOUGHT(S) FOR THE DAY

"You can live to be 100 if you give up all the things that make you want to live that long."

~ Woody Allen

"Failure is only the opportunity to begin again more intelligently."

~ Henry Ford

"When you get to the end of your rope, tie a knot and hang on."

~ Franklin D. Roosevelt



**Let us remember those who
sacrificed their lives on the tragic day
of September 11, 2001.**